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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,266	12/07/2001	Jeffrey D. Marsh	MARJ 8207US	1188

1688 7590 04/13/2005

POLSTER, LIEDER, WOODRUFF & LUCCHESI  
12412 POWERS COURT DRIVE SUITE 200  
ST. LOUIS, MO 63131-3615

EXAMINER

MACKEY, PATRICK HEWEY

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/020,266

**Applicant(s)**

MARSH, JEFFREY D.

**Examiner**

Patrick H. Mackey

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26, 27 and 29-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 4, 15-17, 26, 27 and 29-33 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-14, 18-24, 34-42 is/are rejected.
- 7) ☒ Claim(s) 35 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. The amendment filed 2/18/05 has been entered.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 18-24, 36-39, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Dim et al. Dim discloses a device for printing and binding a perfect bound book that includes a text page printer (see col. 3, line 62); a cover printer (see col. 4, line 2); a cover transfer conveyor (19); an accumulator (133); a carriage (114); an adhesive application station (25); and a binding station (31) with a clamp (159).
4. Claims 1, 18, 25, 34, 36, 37, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al. Yamaguchi discloses a device for printing and binding a perfect bound book that includes a text page printer (1a); an accumulator (2a); a cover printer (1b); a cover transfer conveyor (60); a carriage (31,32); a milling station (43); an adhesive application station (54); and a binding station (63) with a clamp (61, 62).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5, 7-14, 18-24, 34, and 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gayoso in view of Dim et al. Gayoso discloses a device for printing and perfect binding books that includes a computer control system (110); a text printer (122); a cover printer (132); and a trimmer (144). Gayoso discloses all the limitations of the claims, but it does not disclose a cover transfer conveyor; an accumulator; a carriage; an adhesive application station; and a binding station with a clamp. However, Dim et al. discloses a similar device that includes a cover transfer conveyor (19); an accumulator (133); a carriage (114); an adhesive application station (25); and a binding station (31) with a clamp (159) for the purpose of conveying a cover and book block to a binding station for binding. It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Gayoso by utilizing a cover transfer conveyor; a carriage; an adhesive application station; and a binding station with a clamp, as disclosed by Dim, for the purpose of conveying a cover and book block to a binding station for binding.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gayoso in view of Dim et al. as applied to claim 5 above, and further in view of Yamaguchi et al. Greyoso and Dim, together, disclose all the limitation of the claim, but neither reference discloses a milling station. However, Yamaguchi discloses a milling station for the purpose of processing a book block to allow glue to be uniformly applied to the spine (see col. 1, lines 55-57). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to

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utilize a milling station, as disclosed by Yamaguchi, for the purpose of processing a book block to allow glue to be uniformly applied to the spine.

***Allowable Subject Matter***

8. Claims 2, 4, 15-17, 26-27, 29-33 and are allowed.
9. Claims 35 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments filed 2/18/05 have been fully considered but they are not persuasive.
11. The applicant states that Dim does not disclose an accumulator. In response, see at least item 133.
12. The applicant states that Yamaguchi does not disclose an accumulator. In response, see at least item 2a.
13. The applicant states that the prior art does not disclose a trimming station. In response, see at least Gayoso, item 144.
14. The applicant states that the prior art does not disclose that the book block is discharged by gravity. In response, the examiner notes that gravity acts on all the devices and the book blocks disclosed in the prior art.
15. The applicant states that the prior art does not disclose jogging. In response, see at least Dim, 145A and 145B.

***Conclusion***

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16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

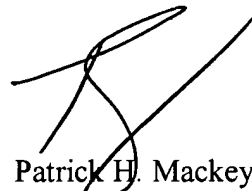
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (571) 272-6916. The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick H. Mackey  
Primary Examiner  
Art Unit 3651

April 11, 2005